



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

MW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/600,124

06/20/2003

Steven L. Grobman

42P16424

8809

8791

7590

10/13/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

REZA, MOHAMMAD W

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/600,124		GROBMAN, STEVEN L.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Mohammad W. Reza		2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/20/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-30 are presented for examination

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Teicher et al hereafter Teicher (US patent application 20040236958).
3. As per claim 1, Teicher discloses a method comprising: generating a first key; generating first validity data based on first backup data and the first key; sending the first key to a peer storing the first backup data (paragraphs, 0009-0011, and 0017); and requesting second validity data from the peer to determine whether the first backup data is preserved by the peer, wherein the second validity data is based on the first backup data stored by the peer and the first key (paragraphs, 0009, 0013-0015).
4. As per claim 2, Teicher discloses the method comprising: penalizing the peer if the second validity data is not timely received from the peer (paragraphs, 0097, and 0099).

5. As per claim 3, Teicher discloses the method comprising: receiving the second validity data from the peer; determining whether the first validity data and the second validity data are different; and penalizing the peer if the first validity data and the second validity data are determined to be different (paragraphs, 0009, 0013-0015).
6. As per claim 4, Teicher discloses the method comprising: storing second backup data received from the peer, wherein penalizing the peer comprises deleting the second backup data (paragraphs, 0097, and 0099).
7. As per claim 5, Teicher discloses the method comprising: providing the peer with consideration for storing first backup data, wherein penalizing the peer comprises recovering at least a portion of the consideration (paragraphs, 0097, and 0099).
8. As per claim 6, Teicher discloses the method wherein the first backup data is encrypted (paragraphs, 0009-0011, and 0017).
9. As per claim 7, Teicher discloses the method wherein generating first validity data comprises: combining the first key and the first backup data to create first keyed backup data; and performing a one-way hash function on the first keyed backup data (paragraphs, 0009-0011, 0017, and 0033).
10. As per claim 8, Teicher discloses the method wherein the one-way hash function is selected from the group consisting of MD5, SHA-1, and RIPEMD-160 (paragraphs, 0009-0011, 0017, and 0033).
11. As per claim 9, Teicher discloses the method comprising: generating a plurality of additional keys; generating additional validity data for each of the additional keys, wherein each additional validity data is based on the first backup data and one of the

additional keys; sending a selected one of the additional keys to the peer (paragraphs, 0009-0011, and 0017); and requesting third validity data from the peer to determine whether the first backup data is preserved by the peer, wherein the third validity data is based on the first backup data stored by the peer and the selected one of additional keys (paragraphs, 0009, 0013-0015).

12. As per claim 10, Teicher discloses the method comprising: storing the additional validity data and the additional keys (paragraphs, 0009-0011, and 0017).

13. As per claim 11, Teicher discloses an article of manufacture comprising: a machine-accessible medium including data that, when accessed by a machine, cause the machine to perform operations comprising: generating a first key; generating first validity data based on first backup data and the first key; sending the first key to a peer storing the first backup data (paragraphs, 0009-0011, and 0017); and requesting second validity data from the peer to determine whether the first backup data is preserved by the peer, wherein the second validity data is based on the first backup data stored by the peer and the first key (paragraphs, 0009, 0013-0015).

14. Claims 12-20 are listed all the same elements of claim 2-10 in a machine accessible medium form rather than method form. Therefore, the supporting rationales of the rejection to claim 2-10 apply equally as well to claim 12-20.

15. As per claim 21, Teicher discloses a system comprising: a twisted pair cable; a data storage device; a key generator to generate a first key; a validity data generator to generate first validity data based on the first backup data and the first key (paragraphs, 0009-0011, and 0017); a communication device to send the key to a peer storing the

first backup data and to request second validity data from the peer, wherein the second validity data is based on the first backup data stored by the peer and the first key; and a validity data comparator to determine whether the first backup data is preserved by the peer (paragraphs, 0009, 0013-0015).

16. As per claim 22, Teicher discloses the system comprising: the communication device to receive the second validity data from the peer; and a penalty generator to inflict a penalty against the peer if the second validity data is not timely received from the peer (paragraphs, 0097, and 0099).

17. As per claim 23, Teicher discloses the system comprising: the validity data comparator to compare the first validity data and the second validity data; and the penalty generator to inflict a penalty against the peer if the first validity data and the second validity data do not match (paragraphs, 0009, 0013-0015, 0097, and 0099).

18. As per claim 24, Teicher discloses the system wherein the penalty comprises deletion of second backup data received from the peer (paragraphs, 0097, and 0099).

19. As per claim 25, Teicher discloses the system wherein the penalty comprises recovering a portion of consideration provided to the peer for storing the first backup data (paragraphs, 0009-0011, 0017, 0097, and 0099).

20. As per claim 26, Teicher discloses the system wherein the first backup data is encrypted (paragraphs, 0009-0011, and 0017).

21. As per claim 27, Teicher discloses the system comprising: the validity data generator to combine the first key and the first backup data to create first keyed backup

data and to perform a one-way hash function on the first keyed backup data (paragraphs, 0009-0011, 0017, and 0033).

22. As per claim 28, Teicher discloses the system wherein the one-way hash function is selected from the group consisting of MD5, SHA-1, and RIPEMD-160 (paragraphs, 0009-0011, 0017, and 0033).

23. As per claim 29, Teicher discloses the system comprising: the key generator to generate a plurality of additional keys; the validity data generator to generate additional validity data for each of the additional keys, wherein each additional validity data is based on the first backup data and one of the additional keys; the communication device to send a selected one of the additional keys to the peer and to request third validity data from the peer (paragraphs, 0009-0011, and 0017); and the validity data comparator to determine whether the first backup data is preserved by the peer, wherein the third validity data is based on the first backup data stored by the peer and the selected one of additional keys (paragraphs, 0009, 0013-0015).

24. As per claim 30, Teicher discloses the system comprising: the data storage device to store the additional validity data and the additional keys (paragraphs, 0009-0011, and 0017).

### ***Conclusion***

Art Unit: 2136

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad w. Reza whose telephone number is 571-272-6590. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOAZZAMI NASSER G can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Wasim Reza

AU 2136

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100



10/12/06